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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 DAVID ANTHONY BREAUX,) Case No. 2:93-cv-00570-JAM-DB
11)
12 Petitioner,) DEATH PENALTY CASE
13 vs.)
14) ORDER REQUIRING UNITED STATES
15 RON DAVIS, Warden of San Quentin) MARSHAL TO PAY DEPOSITION WITNESS
16 State Prison,) FEES AND EXPENSES
Respondent.)


17 Pursuant to a previous order of the Court (ECF No. 304), Mr. Mark Stahley, a non-party
18 witness in this capital habeas proceeding, was deposed at the Office of the Federal Public
19 Defender, 801 I Street, Fourth Floor, Sacramento, California 94814 on June 26, 2018.

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21 Petitioner submitted an APPLICATION FOR ORDER REQUIRING THE UNITED
22 STATES MARSHAL TO PAY DEPOSITION WITNESS FEES AND EXPENSES (ECF No.
23 309) on August 21, 2018, asserting reimbursement of Mr. Stahley's per diem costs is reasonable
24 and necessary. Petitioner noted that Mr. Stahley travelled from his home in Sacramento,
25 California to the office of the Federal Public Defender the morning of the deposition and
26 remained until after the completion of the deposition and of all paperwork regarding the
27 deposition.
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1 IT IS HEREBY ORDERED:

- 2 1. The Court certifies that the testimony of Mark Stahley is relevant and material to the
- 3 instant action in order to perpetuate witness testimony.
- 4 2. Pursuant to 18 U.S.C. § 3006A and 28 U.S.C. § 1825, the United States Marshal
- 5 authorized to pay fees of witnesses who testify on behalf of clients represented by the
- 6
- 7 3. Federal Public Defender. See also Guide to Judiciary Policy, Volume VII, §§
- 8 320.40.20; 320.40.10.
- 9 4. The United States Marshal is directed to pay Mr. Stahley's fees and expenses for
- 10 attendance at his June 26, 2018 deposition in Sacramento. Such expenses shall
- 11 include meal costs.
- 12

13 Dated: August 29, 2018

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16 DEBORAH BARNES

17 UNITED STATES MAGISTRATE JUDGE

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19 DLB:9

20 DB/orders.capital/breaux depo pmt.or

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